



Pet/#

PATENT APPLICATION

1AP12 Rec'd PCT/PTO 11 JAN 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:)
: Examiner: Robert D. HARLAN
Alistair Andrew FINNIE)
: Group Art Unit: 1796
Application No.: 10/563,129)
: Confirmation No.: 8037
Filed: January 31, 2006)
: Int'l Application No.: PCT/EP04/007301)
: Int'l Filing Date: June 29, 2004)
: For: SILYL ESTER COPOLYMER) Date: January 10, 2008
COMPOSITIONS)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION UNDER 37 C.F.R. § 1.99

Sir:

In accordance with the provisions of 37 C.F.R. § 1.99, submitted herewith is a publication that is relevant to the above-captioned pending patent application, which was published on January 20, 2005 as International Application Publication No. WO 2005/005516 and on July 6, 2006 as U.S. Patent Application Publication No. 2006/0148977 A1. Specifically, submitted herewith is a copy of the Third Party Observation (Observation) with attachments (excluding those previously submitted in an Information Disclosure Statement), a notice of which was electronically published by the Korean Intellectual Property Office (KIPO) on or about

December 14, 2007 in Korean Patent Application No. 2006-7000318, which is the Korean national stage of the above-captioned international application. Copies of this Observation and its attachments may also be retrieved 1) by the public through the submission of a request with the appropriate fee and 2) by the U.S. Patent and Trademark Office through the Korean Patent Information Online Network (K-PION) at <http://www.K-PION.net>.

As required by 37 C.F.R. § 1.99 and M.P.E.P. § 1134.01 the undersigned hereby:

(1) states that since the notice of the Observation was published on or about December 14, 2007, it could not have been submitted to the Office earlier (i.e. within two months of the January 20, 2005 international application publication date of the subject application);

(2) submits herewith a check for \$130.00 (the processing fee set forth in 37 C.F.R. § 1.17(I));

(3) submits herewith a check for \$180.00 (the fee set forth in 37 C.F.R. § 1.17(p));

(4) lists ten publications submitted herewith:

- (I) Third Party Observations (with English language translation), notice published on or about December 14, 2007
- (ii) EP 1 288 234 A1 (March 5, 2003)
- (iii) WO 96/034565 (February 8, 1996)
- (iv) *Hawley's Condensed Chemical Dictionary*, 13th ed., revised by R.J. Lewis, John Wiley & Sons, Inc., USA, 1997
- (v) V.K. Kamath et. al., "Production of High Solids Acrylic Coating Resins with t-Amyl Peroxides: A New Way to Meet VOC Requirements," *Journal of Coatings Technology*, Vol. 59, No. 746, pp. 51-56 (1987)
- (vi) L.W. Hill et al., "Design Considerations for High Solids Coatings," *Progress in Organic Coatings*, 10, pp 55-89 (1982)
- (vii) *Polymer Science Dictionary*, M.S.M. Alger, Elsevier Science Publisher Ltd, England, 1989
- (viii) EP 1 138 725 A1 (October 4, 2001)
- (ix) EP 1 496 089 A1 (January 12, 2005)

01/14/2008 6FREY1 00000067 10563129

01 FC:1617
02 FC:1806

130.00 0P
180.00 0P

- (x) National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) Operations, 60 Fed. Reg. 64,330 (Dec. 15, 1995)

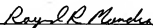
(5) submits copies of ten documents listed above in accordance with 37 C.F.R. § 1.99(d); and

(6) certifies that the information being submitted has been served in accordance 37 C.F.R. § 1.248 on the applicant's attorney, Patrick J. Birde, Esq., at Kenyon & Kenyon LLP, One Broadway, New York, NY 10004 on January 10, 2008 by first class mail, as shown by the enclosed Certificate of Service, which is acceptable as proof of service under 37 C.F.R. § 1.248(b).

In view of the above, it is respectfully submitted that this Submission complies with both timeliness and content requirements set forth in 37 C.F.R. § 1.99. Thus, the entire Submission should be forwarded to the Examiner for consideration.

The undersigned may be reached at the below listed address.

Respectfully submitted,



Raymond R. Mandra
Registration No.: 34,382

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2008, I caused a copy of the following:



- (1) Submission Under 37 C.F.R. § 1.99;
- (2) Third Party Observations (with English language translation);
- (3) EP 1 288 234 A1;
- (4) WO 96/034565;
- (5) *Hawley's Condensed Chemical Dictionary*, 13th ed., revised by R.J. Lewis, John Wiley & Sons, Inc., USA, 1997;
- (6) V.K. Kamath et. al., "Production of High Solids Acrylic Coating Resins with t-Amyl Peroxides: A New Way to Meet VOC Requirements," *Journal of Coatings Technology*, Vol. 59, No. 746, pp. 51-56 (1987);
- (7) L.W. Hill et al., "Design Considerations for High Solids Coatings," *Progress in Organic Coatings*, 10, pp 55-89 (1982);
- (8) *Polymer Science Dictionary*, M.S.M. Alger, Elsevier Science Publisher Ltd, England, 1989;
- (9) EP 1 138 725 A1;
- (10) EP 1 496 089 A1; and
- (11) National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) Operations, 60 Fed. Reg. 64,330 (Dec. 15, 1995)

to be served by first class mail, postage prepaid, on the attorney for Applicant:

Patrick J. Birde, Esq.
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

Raymond R. Mandra
Raymond R. Mandra